

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHEN KERSHNAR,

Plaintiff,

23-CV-525

-vs-

STEPHEN H. KOLISON, JR., in his individual
capacity and his official capacity as the President
of the State University of New York at Fredonia, and

DAVID STARRETT, in his individual capacity and
official capacity as Executive Vice President and
Provost of the State University of New York at
Fredonia,

Defendants.

**DECLARATION OF
CHARLES HOLDER**

CHARLES HOLDER declares under penalty of perjury that the following is true and
correct in accordance with 28 USC § 1746:

1. I am the current interim Chief of Police for the State University of New York at
Fredonia (“SUNY Fredonia”).

2. I respectfully submit this Declaration in support of Defendants’ Opposition to
Plaintiff’s Motion for Preliminary Injunction and in support of Defendants’ Motion to Dismiss. I
make this declaration based on my personal knowledge of this matter, my training and
experience in law enforcement, and my personal review of documents provided to me.

3. I have been employed by SUNY Fredonia since August 2018. I was the Emergency Planning Coordinator, until I became SUNY Fredonia's Interim Chief of Police.

4. As the current Interim Chief of Police, my duties include the overall administration, supervision and leadership of the University Police Department at SUNY Fredonia.

5. Prior to working at SUNY Fredonia, I was in law enforcement for over thirty (30) years, and I retired from the Chautauqua County Sheriff's Office as the Undersheriff. As Undersheriff, I was second-in-command of the law enforcement agency where I was actively involved in the day-to-day programs of the Sheriff's Office. This included, but was not limited to, overseeing numerous divisions within a countywide agency that include: Criminal Investigation, Patrol, Drug Task Force, Corrections, Civil, Court Security, Training Academy, Communications/E911 Dispatch Center, Marine/Snowmobile Enforcement, Crime Scene Investigations/Forensics, Mounted Division, Radio Shop/IT Services, Transportation Division and Stop DWI Enforcement; conducting and facilitating disaster training drills at SUNY Fredonia; developing new techniques to solve security and safety issues within the Sheriff's Office and County complexes; and I was the agency member of the Joint Terrorism Task Force for New York State. My resume is attached hereto as Exhibit A.

6. Based on my review of review of the threat assessments of Chief Isaacson, and my previous extensive experience in law enforcement, it is my professional opinion that the threats of on-campus violence significantly subsided due to Dr. Kerhsnar's removal from campus.

7. Further, in my professional opinion, if Dr. Kershner is permitted to come back on SUNY Fredonia's campus, the threats of violence will likely return, and the disruption to the campus will be immeasurable.

Dated: July 21, 2023
Fredonia, New York

s/Charles Holder
CHARLES HOLDER

EXHIBIT A

Charles J. Holder

██████████ – Ellery Road
Bemus Point, New York 14712
Cell: ██████████
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Profile

As an Undersheriff with 30+ years of law enforcement and emergency management experience I have gained extensive knowledge, skills and abilities in the area of police administration and security. These include such areas as:

- Experience as the Chief Executive Officer of a police agency
- long-term strategic planning
- Analyzed strategies to solve complex law enforcement & security problems
- Facilitate problem solving and communication among agency members and other stakeholders
- Ability of establishing priorities when faced with time sensitive projects
- Motivating all levels of employees to meet agency mission or objectives
- Administered several accreditation programs

Professional Experience

State University of New York at Fredonia

Chief of Police (Interim), 7/2023 to
Emergency Planning Coordinator, 8/2018 to Present

Develop, coordinate, and implement University's Emergency Planning and Preparedness program. Provide training seminars and exercises and proactively prepare the campus for effective response to emergencies of varying scale and complexity.

- Created and implemented a new campus wide Emergency Response Plan
- Developed, administered and obtained funding for campus wide Stop-The-Bleed Program
- Conducted numerous emergency response training
- COVID19 Surveillance Testing Coordinator 2020-2022
- Capital Projects in relation to campus safety (campus lockdown hardware)
- Administered Late Night Safety Van Program
- E911 Campus wide Signage Program
- Committee Membership
 - Campus Safety (2018 to present)
 - Commencement (2021 to present)
 - Finance & Administration Divisional Review (2021 & 2022)
 - Search Committee Co-Chair (Chief of Police) 2023

Chautauqua County Sheriff's Office, Mayville, New York

Undersheriff, 05/2006 to 1/2019

Served as Second-In-Command of a diverse law enforcement agency with over 250 employees. The position is actively involved in all management duties which include; planning, development and implementation of programs, policies and procedures, facility security issues, contract negotiations, budgeting, training, internal investigations, human resources, and public and media relations.

- Acting Chief Executive Officer (Sheriff) upon the absence of the Elected County Sheriff
- Command of numerous divisions within a countywide agency which include: Criminal Investigation, Patrol, Drug Task Force, Corrections, Civil, Court Security, Training Academy, Communications/E911 Dispatch Center, Marine/Snowmobile Enforcement, Crime Scene Investigations/Forensics, Mounted Division, Radio Shop/IT Services, Transportation Division and Stop DWI Enforcement
- Agency member of the Joint Terrorism Task Force for New York State (Zone 13)
- Review, analyze and resolve complex issues relating to all aspects of the agency
- Conducted and facilitated several disaster training drills at SUNY Fredonia. All of which were under the guide of the National Incident Management System
- Acted as Human Resource Director for the agency which included; hiring, termination, performance appraisals, counseling, discipline and internal investigations
- Continually reviewed resources and appropriate allocation and coordination throughout the agency. This included staffing and program analysis as well as resource targeting initiatives
- Supervise, and at times, conduct background investigations and other internal confidential investigations both within and outside the agency
- Develop new techniques or approaches to problems solving relating security and safety issues within the Sheriff's Office and County Complexes.
- Continuously developing strategies to solve law enforcement problems through a variety of means
- Oversee all phases of the agency budget cycle including formulation and execution of a complex annual budget of over 25 million dollars and 8 million dollars in revenue
- Developed professional contacts with all levels of staff in local, state and federal law enforcement organizations
- Provide numerous briefings to Sheriff, media, legislators, and other local, state and federal officials
- Testified in numerous felony criminal cases, administrative hearings and civil litigations cases
- Coordinated national press conferences in relation to criminal investigations and/or local disaster events
- Work cooperatively with numerous local, state, and federal law enforcement representatives on a variety of projects, programs, task forces, and investigations of mutual benefit. These included training initiatives, criminal investigation task forces and grant and/or funding analysis
- Oversee asset forfeiture account as part of multi-agency task force
- Make numerous academic presentations, civic lectures, seminars and media interviews on a variety of topics. Many dealing with improving law enforcement programs and initiatives
- Reviewing, interpreting and disseminating judicial decisions and legal changes to appropriate personnel and organizations
- Assign work to subordinates and monitor their progress

Captain (Corrections, Civil, and Court Security Divisions), 09/2005 to 05/2006

Captain is the third level of management in the Sheriff's Office. The position has supervisory responsibility of all assigned shifts and positions (over 130 employees in three divisions). Duties include but are not limited to: assist the Sheriff in the planning and directing activities of the department; supervises and controls activities of the assigned divisions; recruitment, hiring, and associated human resource duties; preparing a variety of federal, state, local, and internal reports; investigates complaints, allegations or other breeches of discipline or conduct

of staff; assists in the annual budget preparation; supervises the inspection, security, and discipline procedures of the jail complex; develops and administers policy and procedures of the organization; supervises the scheduling and work assignments of correction officers which maintains “round-the-clock” coverage; investigates criminal offenses; maintains media relations and issue press releases

- Overseeing a 14-million-dollar new construction project
- Organizing a transition team into a new correctional facility
- Conducted several internal affairs investigations
- Identified and correct security issues within a complex correctional facility

Academy/Training Director / Sergeant 01/1996 to 09/2005

The Academy Director / Training Director position is directly responsible for all training matters of the law enforcement division. This position requires supervision of Basic Police Course; developing curriculum and assigning instructors; preparing annual training budget; maintain liaison with the college administration; plan, develop, and administer specialized courses and annual in-service training programs; create new programs/courses; recruitment, hiring, and human resource activities; supervise cadre of instructors and recruits; instruct courses; conduct public relations activities

The position is responsible for all training initiatives for agency as well as the director of a multi-county training facility. The position also required a strong liaison relationship with the college community as it relates to safety and security concerns.

- Coordinates, oversees, and administers law enforcement training programs for all levels of police and corrections within a three county training zone
- Initiates changes in curriculums and programs to meet changing needs of area law enforcement agencies
- Formulates strategic long and short term training plans for law enforcement agencies
- Responsible for expanding the law enforcement basic academy into a 35 credit hour program which is an intricate component of a college criminal justice degree program
- Responsible for disaster Table-Top drills which occurred on three college campuses within the county
- Organized and facilitated a live disaster drill for the Jamestown Community College which included over 50 participants and several emergency service agencies.
- Created and administered the first Youth and Citizen Academies within the academy
- Assessed current and future staffing and training needs for the agency and academy
- Instruct students in criminal justice programs. This included the instruction of a first line supervisor course. The course included such topics as counseling, performance appraisals, discipline, training and team building
- Maintain extensive academy training library and lesson plan database and file system
- Authored and coordinated numerous training bulletins, newsletters and outreach material to law enforcement stakeholders

Assistant Academy Director / Patrol Deputy 08/1993 to 01/1996

The Assistant Academy Director position reports directly to the Training Director. The position is responsible for the day-to-day operations of the law enforcement academy; instructing assigned police courses, developing lesson plans and curriculum; maintain liaison with college, students, and outside police agencies

Patrol Deputy 02/1988 to 01/1996

Patrol Deputy is a line officer position responsible for a variety of law enforcement activities. These include but are not limited to: apprehension of criminals; protection of life and property; patrol and observation; crime prevention activities; community policing initiatives; courtroom testimony; report writing; traffic enforcement

Crisis Negotiator for SWAT (Team Leader) 1990 to 2006

This position required excellent communication skills during highly stressful situations involving barricaded subjects, suicidal individuals, and hostage confrontations.

Fire / Arson Investigator 2004 – 2018 - (Team Supervisor) 2004 to 2007

This position incorporates the position of investigator and role of team supervisor. The unit has 12 part-time fire investigators which conduct origin and cause investigations of approximately 100 fires annually.

- NYS Certified Level I Fire Investigator – 30 hrs. O & C (2004)
- NYS Certified Level II Fire Investigator – 50 hrs. O & C (2005)
- Certified as Expert Witness in Chautauqua Co. Family Court

Jamestown Community College (JCC), Jamestown, New York

Adjunct Faculty 1990 to present

The position is a part-time faculty position within the criminal justice and emergency medical services division. The position incorporated maintaining liaison between JCC and the Sheriff's Office; assist with selective law enforcement as requested, facilitate disaster drills, review and assist with college policy and procedures as they relate to law enforcement; make presentations; instruct and assist in criminal justice division; create and administer public safety courses; law enforcement liaison with college administration, faculty and staff on safety and security issues.

- Created and administered a new Public Safety Technology in Fire Science degree & certificate program
- Created and administered over 60 college level courses during tenure
- Continuous instructor in law enforcement courses which include; Field Training Officer, Police Instructor, Use of Force, Ethics in Criminal Justice, NYS Penal Law, Firearms Training and many other courses
- Created and instructed at the first NYS Certified Security Guard Course at JCC

New York State Division of Criminal Justice Services

N.Y.S. Law Enforcement Accreditation Councilman -Appointed by Gov. Pataki (2002 to 2007)

N.Y.S. Law Enforcement Accreditation Assessor (2008 to Present)

Crisis / Hostage Negotiator Curriculum Development Committee Member (2012)

N.Y.S. Law Enforcement Accreditation Standards Revision Committee (2017)

Law Enforcement Training Directors Association of New York State (LETDANYS)

Past President and Executive Board member of a statewide association dedicated to training initiatives for law enforcement professionals.

President (2009 – 2011), 1st Vice President (2007 – 2009), 2nd Vice President (2005 – 2007)

- Managed a statewide law enforcement training coordination program (LETDANYS)
- Utilized managerial, planning, organizational skills to design and present several large conferences to local, state and federal law enforcement officials that addressed topical law enforcement and criminal justice needs
- Coordinated invitations, registration, agendas, brochures, and newsletters for law enforcement seminars and conferences

- Lead statewide Executive Board meetings which included law enforcement coordination and assessment needs
- Assessed trainings needs based on analysis and current research
- Provide leadership to law enforcement coordinating organizations
- Authored and coordinated numerous publications of informational material for law enforcement members and stakeholders
- Conducted membership review for eligibility to statewide association
- Coordinated review of organizational needs and interests
- Maintain a current and accurate organizational membership
- Developed association policy and procedures
- Active member of several New York State law enforcement committees and counsels

Education

FBI National Academy - 229th Session, Quantico, Virginia (2007)

Alfred University – Alfred, New York (1998 to 2000)
Masters in Community Service Administration

Edinboro University of Pennsylvania – Edinboro, Pennsylvania (1983 to 1987)
Bachelor of Arts in Criminal Justice – Minor in Political Science

Jamestown Community College – Sheriff's Academy (1987 to 1988)
New York State Basic Police Course

Professional Training

Law Enforcement / Criminal Justice Certifications & Trainings

New York State Basic Police Officer Certification (1988)
New York State Police Supervisor Course (1998)
New York State Certified Police Instructor (1990)
New York State Certified Firearms Instructor (1991)
New York State Certified Master Instructor (1993)
New York State Police Field Training Officer Course (2000)
New York State Physical Fitness Instructor (2003)
D.E.A. Narcotics Investigator Course (1997)
F.B.I. Hostage Negotiation Schools & Seminars (2003, 2002, 2001, 1994, 1993 & 1990)
Glock Pistol Armor School (2004, 2003, 1999, 1996)
Deadly Force Seminar (1996)
Domestic Violence Seminar (1995 & 1996)
Community / Problem Oriented Policing (1995)
Radar Operator Course (1988)
Bicycle Safety Course (1992)
CPR / AED Certification (1997 to present)
Street Survival Seminar (1997)
Incident Response to Terrorist Bombings (2002)
Law Enforcement Flying Armed Course (2002)
Law Enforcement Flying Armed Instructor Course (2006)

NYS Accreditation Program Manager Course (2002)

Management Development Program / JCC (2002)

Beretta Armorer School (2003)

Motivating Employees (2006)

NYS Academy of Fire Science

- Fire Behavior and Arson Awareness (12 hrs.-February 2004)
- Principles of Fire Investigations (24 hrs. - February 2004)
- Fire / Arson Investigation (80 hrs. – October 2004)

Disability and Sexual Harassment Seminar (2008)

NYS Undersheriffs Conference (2006 to 2018)

Disability and Sexual Assault Training (2008)

NYS Law Enforcement Accreditation Assessor Training (2008)

Hate Crime – Identification and Investigation Course (2010)

Missing Child Alert & Recovery Center Procedure Training (2011)

Ethical Awareness Moderator Course (2014)

Principles of Force Science – Force Science Institute (2016)

Emergency Management Certifications & Trainings

- ICS 100/200/300/700
- Tier 3 Local Public Officials (2016)
- IS-00363 Intro to Emergency Management for Higher Education (2019)
- IS-00906 Basic Workplace Security Awareness (2019)
- MGT-324 Campus Emergencies Prevention, Response and Recovery (2019)
- Crowd Management Training (2022)

Fire & EMS Certifications & Trainings

- NYS certified Emergency Medical Technician – EMT (2015 – Present)
- Basic Exterior Firefighter Operations (2017)
- Certified EMS Lab Instructor – EMS (2017)
- Interior Firefighter Operations (2017)
- Stop the Bleed Instructor (2018)
- American Heart Association CPR/AED/First Aid Instructor (2018)
- Fire ground Strategies & Tactics for First Arriving Companies (2019)
- NYSDOH COVID-19 Vaccine Vaccinator Training (2021)
- Fire Apparatus Operator – Emergency Vehicle Operations (2021)
- Western Regional Emergency Medical Advisory Committee (WREMAC) Preceptor (2022)
- Fire Apparatus Operator – Pump Operations (2022)
- American Red Cross CPR/AED/First Aid Instructor (2023)

Other Skills and Accomplishments

- Responsible for initiation of five accreditation programs (Law Enforcement, Communications, Civil, Court Security and Corrections)
- Statewide accreditation assessor for 911 Emergency Centers
- Responsible for perimeter security detail of President Clinton's visit to Chautauqua Institution
- Prepared several law enforcement grant applications and subsequently received thousands of dollars in agency grant funds
- Assisted in numerous felony cases which concluded with a conviction of offender (these included Homicides, Robberies, Rapes, and Arsons)

- Proficient in several computer software programs (Word, Excel, AS400/NewWorld, NYSPIN, e-Justice, PowerPoint, Publisher)
- New York State Notary Public (1997 to Present)
- Investigation Officer for Chautauqua County Non-Discrimination and Anti-Harassment Policy (2016 to 2019)

Commendations / Awards

Chautauqua County Sheriff's Office Meritorious Service Award (2002)
Chautauqua County Sheriff's Office Special Unit Citation (1997)
Over 50 letters of Agency Commendation
Jamestown Police Department Letter of Commendation (1999)
Numerous Organizational / Individual Commendations
Inducted into National Dean's List 1999-2000
Inducted into International Who's Who of Public Service 2001

Professional Memberships

New York State Law Enforcement Training Directors Association (Life Member)
2009 – President
2007 - 1st Vice President
2005 - 2nd Vice President
Jamestown Community College Criminal Justice Advisory Board
Jamestown Community College Health & Safety Committee
Chautauqua County Minority Recruitment Committee
Chautauqua County Labor Relation Council
International Association of Emergency Managers (2018 to present)

Community / Volunteer Work

Maple Springs Volunteer Fire Department 2016 – Present
Bemus Point Volunteer Fire Department (mutual aid member) 2019 – Present
St. Susan's Soup Kitchen Board of Directors (Past President) 2011- Present
Chautauqua County Youth Hockey Association (Board Member 2004 to 2005)
Chautauqua County Special Hockey Coach
Chautauqua County E.A.P. and Wellness Committee (Past Chairman)
Law Enforcement Explorer Post Advisor
Chautauqua County Youth Academy (Past Director)

References

Sheriff Joseph A. Gerace (retired)

██████████
Jamestown, NY 14750
██████████

Mr. Jerome Adams

[REDACTED]
Bemus Point, NY 14712
[REDACTED]

Judge Stephen Cass
Surrogate Court Judge
3 North Erie Street
Mayville, NY 14757
[REDACTED]

Mr. Joseph Porpiglia
[REDACTED]
Dunkirk, NY
[REDACTED]